

DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSING
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**BEFORE THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSING
OF THE DEPARTMENT OF COMMERCE
OF THE STATE OF UTAH**

**IN THE MATTER OF THE LICENSE OF
PETER DAVID BIRD
d/b/a Fidalgo Restoration
TO PRACTICE AS A CONTRACTOR
IN THE STATE OF UTAH**

**FINDINGS OF FACT,
CONCLUSIONS OF LAW,
AND ORDER**

Case No DOPL-OSC-2010-346

FINDINGS OF FACT

1 The Division of Occupational and Professional Licensing (the "Division") filed a Notice of Agency Action in this matter on the 17th day of October 2011

2 This action is based upon Division records as reflected in the Notice of Agency Action filed herein which show that Peter David Bird d/b/a Fidalgo Restoration, ("Respondent"), failed to comply with an order in violation of Utah Code Annotated Subsection 58-1-501(2)(a) and failed to demonstrate and maintain financial responsibility as required by Utah Code Annotated Section 58-55-306 and Subsection 58-55-502(1), and Utah Administrative Code Section R156-55a-306

3 Respondent has failed to respond to the Notice of Agency Action and, according to Division records, has failed to demonstrate and maintain financial responsibility as outlined above, and this conduct constitutes a basis to revoke Respondent's license pursuant to Utah Code Annotated Subsections 58-1-401(1) and (2)

CONCLUSIONS OF LAW

4 Respondent's failure to respond to the Notice of Agency Action constitutes a sufficient basis for entry of default against Respondent

5 The Notice of Agency Action and documents attached thereto provide a basis to conclude that Respondent has failed to comply with an order, in violation of under Utah Code Annotated Subsection 58-1-501(2)(a), and has failed to demonstrate and

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maintain financial responsibility as required by Utah Code Annotated Section 58-55-306, Subsection 58-55-502(1), and Utah Administrative Code Section R156-55a-306 Based on these violations, Respondent has engaged in unprofessional conduct as defined in by Utah Code Annotated Subsection 58-1-501(2)(a), and Respondent no longer meets the qualification for licensure as provided by Utah Code Annotated Section 58-55-306

6 The Division is authorized to revoke Respondent's contractor license as provided by Utah Code Annotated Subsection 58-1-401(1) because the Respondent no longer meets the qualifications for license as required by Utah Code Annotated Subsection 58-55-102(19)


7 The Division is authorized to revoke Respondent's contractor license as provided by Utah Code Annotated Subsection 58-1-401(2)(a), for engaging in unprofessional conduct as provided by Utah Code Annotated Subsection 58-1-501(2)(a), for failure to maintain financial responsibility as required by Utah Code Annotated Section 58-55-306

ORDER

WHEREFORE, IT IS ORDERED Respondent's default is hereby entered

WHEREFORE, IT IS ORDERED Respondent's license to practice as a contractor in this state shall be revoked, effective on the date this order is signed

On behalf of the Construction Services Commission and the Division of Occupational and professional licensing, I hereby certify the foregoing Findings of Fact, Conclusions of Law, and Order were submitted to the Construction Services Commission and the Division on the 21st day of December 2011 for their review and action


Dan S Jones, Bureau Manager

ORDER

THE ABOVE FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER in the matter of **PETER DAVID BIRD d/b/a Fidalgo Restoration**, is hereby adopted by the Construction Services Commission of the State of Utah


DATED this 21 day of Dec, 2011


CONSTRUCTION SERVICES COMMISSION
Representative

I concur with the above Order, which the Construction Services Commission has approved

DATED this 21 day of Dec, 2011

DIVISION OF OCCUPATIONAL AND
PROFESSIONAL LICENSING


MARK B. STEINAGE
Director

Pursuant to Utah Code Ann Subsection 63G-4-209(3), Respondent may seek to set aside the above-stated default order by filing such a request with the Division consistent with procedures outlined in the Utah Rules of Civil Procedure